

II. PLAINTIFF. For each Plaintiff list: name and address including City, County and State.

Nicole Catherwood Rude
107 W. Central Ave
Bismarck, ND 58501

III. DEFENDANT. For each Defendant list: name and address including City, County and State.

Laughing Sun Brewing Company, LLC
1023 E. Front Avenue
Bismarck, ND 58504

North Dakota Department of Labor
600 East Boulevard Ave., Dept. 406
Bismarck, ND 58505-0340

U.S. Equal Employment Opportunity Commission
Chicago District Office
230 S. Dearborn Suite 1866
Chicago, IL 60604

IV. CLAIM. State the facts of your claim. Include the name of each person involved, dates and places. Be as specific as possible. Do not give any legal argument or cite any cases or statutes. Use additional sheets of paper if necessary.

12/31/2018 - Date that I returned to my job at Laughing Sun as a cook after recovering from a surgery due to injury of my right hand. The harassment started shortly after. While usually I am pretty outspoken, I did not report it right away and just tried to deal with it due to the fact that I had been out of work for 3 weeks from the surgery and did not want to jeopardize my job. I can provide copies of texts and the reports from the EEOC and NDDOL process.

2/2/2019 - Compelled to resign at Laughing Sun due to a hostile work environment. During the last month of my employment Rick Sokolnicki who I was told was my shift supervisor had made me very uncomfortable with constant texts, requests, comments, and hand gestures.

There were constant texts from my supervisor Rick (I was later informed that he was not ever officially a supervisor in paperwork, but it was what I was told when I worked there and also what he and former kitchen manager Gary stated).

There were requests for me to wear specific clothing and one incident where he asked for naughty pictures.

He referred to me as 'mixed company' a couple of times in the kitchen which I believe was because I am female.

He would make Hand Job gestures to me saying that it would be good physical therapy for my hand.

I was supposed to start training at the new store opening in Mandan, but after my last night at the Bismarck location I could not/would not be associated with that company anymore.

2/4/2019 - The date that I texted my boss Todd Sattler apologizing for leaving and provided him screenshots of some of the texts.

I do not have specific dates on some of the instances where I ran into former coworkers from Laughing Sun and they would literally turn and walk away from me when I would say Hi to them. Or the date that I was informed by Zach Mulholland that each employee of the kitchen was pulled into the office individually and was told to not talk to me or respond to any kind of texts/emails/messages from me. While he said it was not directly said that employment would be terminated if communication happened, it was implied. I do not have any proof of these interactions and was hoping that it would be found during the investigation by the EEOC, but that investigation did not yield many results.

Cont. on Additional page.

V. ADMINISTRATIVE PROCEDURES. If applicable, state whether your claim was heard by any administrative agencies; the type of proceedings; the date and place of any proceedings; the outcome of any administrative proceedings.

3/20/2019 - The date that I initially contacted the DOL. I first spoke/worked with Marcus R. on 3/25/2019. He was very helpful and understanding of my naiveness of the reporting process.

4/4/2019 - Notice of charge/mediation invitation

4/29/2019 - Mediation Session occurred and was unsuccessful. Kiersten S. was the investigator assigned to perform the mediation. Again, very helpful and supportive.

7/9/2019 - My phone interview with investigator Milena Stojkovic occurred. To protect myself I recorded the entire interview and am glad that I did. There were multiple moments in that conversation where I felt attacked, and felt like she was trying to make me feel responsible for everything that had occurred. It took me a couple of hours to calm down after that conversation and I knew that I had no chance at my discrimination claim afterwards. It was very defeating, violating, and exhausting. I have the recording saved in multiple areas and can provide when needed.

7/14/2019 - Emailed Milena expressing how I didn't feel like certain parts of our conversation did not go as well as it should have and that I had gotten overwhelmed. Also asked if I could be provided a copy of her notes from our conversation so I could clarify certain incidents that might have seemed confusing, also informed her of my change of number. Which I provided her the number on 7/15/2019

Cont. on Additional Page

VI. RELIEF. State what you want the Court to do for you.

I would like Laughing Sun's conduct investigated. Also Milena's practices and why my discrimination case was not investigated to any kind of extent. I am also seeking compensatory damages due to the mental anguish I suffered due to this situation. I completely isolated and cut myself off from the world. Have just recently started to enjoy life again and getting out daily, I have missed so much time with my daughter and no amount can ever make that right. I am diagnosed with severe anxiety which was triggered multiple times dealing with this situation. Resulting in loss of a couple of jobs, eviction from my apartment, and fees from being unable to pay bills. I will be asking for the limit for a business of Laughing Sun's size which is \$50,000. + reasonable sum.

VII. SIGNATURE. Each Plaintiff must individually sign this complaint.

Signed this 24 day of February, 2020.

NICOLE RUDE
Signature of Plaintiff

Signature of Plaintiff

NICOLE RUDE
Printed Name of Plaintiff

Printed Name of Plaintiff

107 W Central Ave
Mailing Address

Mailing Address

BISMARCK ND 58501
City, State, Zip Code

City, State, Zip Code

701-202-6937
Telephone Number of Plaintiff

Telephone Number of Plaintiff

Additional Page

IV. CLAIM cont.

2/19 - 3/19 - Contacted by the Taylor's who were the original owners of Taylor Made BBQ which had partnered with Laughing Sun when they moved to the new location. Adam Taylor had heard about my complaint and wanted to make things right. I believe he was denied any decisions on how my situation would be handled and would have fired Rick for his behavior towards women if he could have. Also Kendra Taylor had had some issues with Rick which she could not share with me due to the contract that they had signed with Laughing Sun. They both gave me support but were binded with how much they could do or say due to the contract. Again, I was hoping that this would come up in the investigation.

I had provided additional names of witnesses to the investigator but do not see any record of any contact or any attempts to actually investigate.

All other incidents and dates are in the next section.

V. ADMINISTRATIVE PROCEDURES cont.

7/15/2019 - Milena emailed to inform me that her records were not open record yet, and that I could add to my statement. She also informed me that she was planning on presenting my case to the group the next day. I was very surprised by this since I had given several names to her of people who witnessed or had experiences with Rick also, and I could not imagine that she had already contacted and interviewed everyone in such a short amount of time.

7/18/2019 - Determination of being unable to conclude that a violation of applicable statutes had occurred. Also when Milena mailed me the copy of the findings and a copy of the investigative file. I found multiple inconsistencies on what was reported in the investigation findings and analysis vs what was said during my interview. I believe that if the correct facts were presented to the group that a different outcome would have occurred. Also included was Milena's activity log which seems very sparse and that she did not talk to anyone else besides myself and Todd Sattler's attorney (Jonathan R. Byers). I could not read the handwriting very well but I do not see any of the names that I mentioned to her on the log.

7/19/2019 - Sent email to Milena pointing out specific areas in her report that I thought contradicted what I said in the interview. She replied 7/23/2019 that the issues had been addressed in the determination and that it would be easier to talk on the phone rather than writing. Honestly, talking to her again was one of the last things I wanted to do.

7/28/2019- Sent email to inspector.general@eeoc.gov expressing my concerns on the investigation; the content on her finding and also how fast it was wrapped up. I provided a copy of her report of our interview with the contradictions highlighted.

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Nicole Rude
1609 N. 22nd Street, #3
Bismarck, ND 58501

From: Chicago District Office
230 S. Dearborn
Suite 1866
Chicago, IL 60604

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

32F-2019-00070

Daniel Lim,
State & Local Coordinator

(312) 872-9669

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Julianne Bowman/jwa

11/25/2019

Enclosures(s)

Julianne Bowman,
District Director

(Date Mailed)

cc:

LAUGHING SUN BREWING COMPANY, LLC
c/o Jonathan Byers, Esq.
Larson Lathan Huettl, LLP
1100 College Drive, P.O. Box 2056
Bismarck, ND 58501